

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

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STATE FARM FIRE & CASUALTY COMPANY
a/s/o ROBERT & JULISSA VALENTIN,

Plaintiff,

C.A. No. 16-CV-05291

-against-

HEWLETT-PACKARD COMPANY
and SONY ELECTRONICS INC.,

Defendants,

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**JOINT MOTION TO CONTINUE THE IN-PERSON JANUARY 4, 2017 STATUS
CONFERENCE OR, IN THE ALTERNATIVE, CONVERT THE IN-PERSON
JANUARY 4, 2017 STATUS CONFERENCE TO A TELEPHONIC CONFERENCE**

Now come the parties in the above captioned action and hereby move this Honorable Court to continue the in-person January 4, 2017 status conference (“Status Conference”). In the alternative, the parties respectfully request that the in-person Status Conference be converted to a telephone status conference.

As grounds for this motion, the parties state that this case arises from a residential fire alleged to have occurred on July 26, 2014 in Floral Park, New York (the “Incident”). Plaintiffs’ Verified Complaint alleges the fire was caused by the negligence of either Hewlett-Packard Company or Sony Electronics, Inc. (“Defendants”). During the November 2, 2016 telephone conference, it was reported to the Court that forensic testing, to wit, CT scans of the artifact lithium-ion batteries discovered from the scenes may assist Plaintiffs in concluding which defendant, if either, is the proper party. As a result, the Court adjourned the conference and

scheduled a further Status Conference for January 4, 2017 to allow the parties to conduct such CT scans and report the results. (See Docket Paper No. 9).

Due to the holiday season and vacation schedules of both counsels and experts, the CT scans of the artifacts have been scheduled for January 18, 2017. As a result, the parties respectfully request that this Court continue the January 4, 2017 Status Conference until a date at least two weeks after January 18, 2017 to allow the parties to obtain the results of these CT scans and confer with their respective experts and clients. In the alternative, the parties respectfully request that the in-person Status Conference be converted to a telephone conference. This would comport with the purpose of Fed. R. Civ. P. 1 to “secure the just, speedy, and inexpensive determination of every action and proceeding,” as the tests may permit one defendant to be dismissed from the case therefore not participate in such conference. No party will be prejudiced by this motion, as the parties all agree to this extension, and this motion is filed jointly.

WHEREFORE, the parties jointly request that this Honorable Court continue the in-person January 4, 2017 status conference. In the alternative, the parties respectfully request that the in-person Status Conference be converted to a telephone status conference.

Dated this 3rd day of January, 2017

Respectfully submitted,
The Defendant,
HEWLETT-PACKARD COMPANY,
By its attorneys,

/s/ Christopher G. Betke
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CERTIFICATE OF SERVICE

I hereby certify that on January 3, 2017, I electronically filed the foregoing with the U.S. District Court for the Eastern District of New York, using the ECF system which will send notification and a copy of such filing to all parties of record.

s/ Christopher G. Betke